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Small arms

Report of the Secretary-General

Addendum

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Cuba believes that the problem of small arms and light weapons should be addressed in the context of the progress achieved towards general and complete disarmament. Nuclear disarmament is still the top priority of the international community with regard to disarmament questions, and it is therefore towards that goal that the greatest efforts should be devoted.

The report of the Panel of Governmental Experts on Small Arms (A/52/298) is a valuable contribution to the efforts of the international community to achieve a better understanding of the question of small arms and light weapons in all its aspects. Equally commendable is the Panel's decision to avoid, by whatever means, duplication of the work carried out by the United Nations.

The results of the regional workshops organized by the Panel of Governmental Experts with a view to the preparation of the report show that the problem manifests itself in different ways in different parts of the world.

It is difficult to arrive at a precise definition of what constitutes an excessive and destabilizing accumulation of small arms and light weapons, taking into account that, as stated in the report itself, both terms ("excessive" and "destabilizing") are relative and can be referred to only in specific contexts. Moreover, various technical, political, economic, social and other factors enter into such a definition.

Accumulations of small arms and light weapons are not in themselves a threat to the internal stability of States, but they can lead to the development of conflict situations, particularly when States lose control of them. For that reason, States are the primary factor in dealing with this problem in their own territory.

The United Nations should pursue its efforts, through its economic and social organs, to combat poverty and underdevelopment, factors which contribute to the destabilization of States and the outbreak of conflicts.

The report of the Panel of Governmental Experts rightly expresses the view that foreign interference in internal conflicts by States which pursue strategic or regional interests is a factor which further complicates the control of small arms and light weapons.

There are also other factors that affect the treatment of this topic, such as efforts to destabilize States through acts of aggression, terrorist acts, threats of the use of force, interference in internal affairs and the application of extraterritorial laws that can create situations of tension.

By virtue of Article 51 of the Charter of the United Nations, which establishes the inherent right of individual or collective self-defence, it is legitimate for States to acquire arms for their own defence.

As a final general comment on the report, it should be pointed out that there is a certain contradiction between paragraph 57 and the second sentence of paragraph 60; the former refers to supposed rules of international law governing trade in conventional weapons, while the latter states that: "There is ... no body of rules by which a given transfer can be declared illegal under international law ...".

Cuba wishes to express a number of specific views with regard to the recommendations contained in the report:

1. The participation of the United Nations in support of appropriate post-conflict initiatives related to disarmament and demobilization must take into account the prior consent of the States parties involved in those conflicts, as well as respect for the sovereignty of those States and non-interference in their internal affairs;

2. With regard to the recommendation contained in paragraph 79 (d) of the report that two sets of guidelines should be developed in order to assist negotiators of peace settlements in developing plans to disarm combatants and to provide assistance to peacekeeping missions, in order to avoid unnecessary duplication it must be taken into account that the United Nations Disarmament Commission is considering an agenda item entitled "Guidelines on conventional arms control/limitation and disarmament, with particular emphasis on consolidation of peace in the context of General Assembly resolution 51/45 N";

3. Any consideration of the control, limitation and reduction of small arms and light weapons should take into account the national security concerns of States and their right to possess and/or acquire the necessary means of defending their sovereignty and territorial integrity;

4. Control of the possession and use of small arms and light weapons through legislative and administrative measures is a laudable recommendation.

Decree Law No. 52 on the control of firearms and the issuance of licences has been in effect in Cuba since 1982. Such licences are issued to those persons who meet the established requirements, in particular those dealing with crime. Moreover, the distribution of arms for the protection

and security of State-owned economic entities is determined on the basis of the property being protected;

5. Cuba takes note of the recommendation contained in paragraph 79 (c) of the report with regard to the Afghan conflict, but it believes that that recommendation is outside the scope of the topic under consideration. The question should be considered in the context of the negotiations taking place between the parties concerned.

As regards the convening of an international conference on the illicit arms trade in all its aspects, Cuba would be prepared to participate actively in such a conference, should there be an international agreement to convene it.

At the same time, it will be very important to promote the broadest possible participation of Governments, both in the preparatory process and in the conference itself, in order to ensure the attainment of its objectives.

In the preparatory phase, the objectives of the conference and its scope and agenda should be clearly defined, due account being taken of the views of States in that connection.

Lastly, taking into account the interest or concern shown by some States with regard to the inclusion of small arms and light weapons in the United Nations Register of Conventional Arms, Cuba believes that that might impair the smooth functioning of the Register, in view of the complexity of certain aspects implicit in the topic of small arms and light weapons, such as the reference to illicit transfers.